

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1123 Automated External Defibrillators
SPONSOR(S): Sands
TIED BILLS: **IDEN./SIM. BILLS:** SB 1760

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|----------------------------------|---------------|----------------|-----------------------|
| 1) Health Care General Committee | _____ | Schiefelbein | Brown-Barrios |
| 2) Business Regulation Committee | _____ | _____ | _____ |
| 3) Finance & Tax Committee | _____ | _____ | _____ |
| 4) Health & Families Council | _____ | _____ | _____ |
| 5) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

An Automated External Defibrillator (AED) is a small, lightweight device used to assess a person's heart rhythm, and, if necessary, administer an electric shock to restore a normal rhythm in victims of sudden cardiac arrest. AEDs are designed to be used by people without medical backgrounds, such as police, firefighters, flight attendants, security guards, and lay rescuers.

This bill provides that any business entity as defined in s. 606.03, F.S., may have an AED on the premises and shall ensure that the employees are properly trained in the operation and maintenance of the device.

The bill provides an effective date of July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

The bill amends s. 401.2915, F.S., to encourage the use of automatic external defibrillators by businesses as defined in s. 606.03, F.S., and encourage training in the use of such devices.

This bill requires that the local emergency medical services providers provide such training at no cost to the business. Local emergency medical services providers would be required to absorb all costs associated with this training.

This bill also provides an exemption from the tax associated with the sale of an automatic external defibrillator purchased by a business entity.

Background

When a person suffers a sudden cardiac arrest, chances of survival decrease by 7 to 10 percent for each minute that passes without defibrillation. A victim's best chance for survival is when there is revival within 4 minutes. An Automated External Defibrillator (AED) is a small, lightweight device used to assess a person's heart rhythm. If necessary, it administers an electric shock to restore a normal rhythm in victims of sudden cardiac arrest. Built-in computers assess the patient's heart rhythm, judge whether defibrillation is needed, and then administer an appropriate level of shock. Audible or visual prompts guide the user through the process. Most AEDs are designed to be used by people without medical backgrounds, such as police, firefighters, flight attendants, security guards, and lay rescuers.¹

Training

Section 401.2915, F.S., provides the minimum training requirements for an individual who intends to use an AED in cases of cardiac arrest, as follows:

- A person must obtain appropriate training, to include completion of a course in cardiopulmonary resuscitation or successful completion of a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrated proficiency in the use of an automated external defibrillator.
- A person or entity in possession of an automated external defibrillator is encouraged to register with the local emergency medical services medical director the existence and location of the automated external defibrillator; and
- A person who uses an automated external defibrillator is required to activate the emergency medical services system as soon as possible upon use of the automated external defibrillator.

Florida Law and Liability

Section 768.1325, F.S., the Cardiac Arrest Survival Act, provides immunity from liability for a person who uses or attempts to use an automated external defibrillator device in a perceived medical emergency. Under s. 768.1325(2)(b), F.S., "automated external defibrillation" device is defined as a defibrillator device that:

- Is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

¹ From the American College of Emergency Physicians, at <http://www.acep.org>

- Is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed, and;
- Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

C. SECTION DIRECTORY:

Section 1. Amends s. 401.2915, F.S, and creates new subsection (4) and provides that any business entity may have an automated external defibrillator on the premises; provides employee training; provides conforming language regarding immunity from liability.

Section 2. Amends s. 212.08 (7), F.S., and creates new paragraph (ccc), and provides a tax exemption for a business entity purchasing an automated external defibrillator.

Section 3. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

According to the Florida League of Cities and the Florida County Association, local governments may experience administrative and personnel costs associated with identifying the location of automatic external defibrillators in certain businesses and the training of personnel.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

While the sale of automatic external defibrillators in business is undetermined, increased AED purchases should increase private sector revenue.

D. FISCAL COMMENTS:

A minimal fiscal impact is anticipated from the tax exemption associated with the sale of AEDs to business.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES